

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

NOTICE OF REMOVAL

Defendant Service Management Systems, Inc. (“SMS”) hereby removes this action to this Court pursuant to 28 U.S.C. § 1441 (a) and, in support thereof, states as follows:

1. Plaintiff Dawn M. Walters filed a civil action on or about June 5, 2013, naming her former employer SMS as the Defendant, and that civil action is now pending in the Circuit Court for Knox County, Tennessee, Case No. 3-284-13.

2. In her Complaint, Plaintiff alleges violations of federal statutes, including Section 1983 of Title 42 of the United States Code and Title VII of the Civil Rights Act of 1964, 42 U.S.C §2000e, *et seq.* Plaintiff acknowledges that the civil action raises questions of federal law pursuant to 42 U.S.C. §1983 and Title VII. (See Complaint, ¶¶1, 2, 32-38, 39-43).

3. This action is a civil action in which this Court has original jurisdiction under 28 U.S.C. § 1331, because this civil action arises under the laws of the United States. Therefore, Defendant is entitled to remove this action pursuant to 28 U.S.C. § 1441 (a).

4. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1337(a) over Plaintiff's claim asserted pursuant to T.C.A. § 4-21-401 because, according to the allegations in the Complaint, this claim is based on the same facts and legal theories as Plaintiff's Title VII claim. (See Complaint, ¶¶ 33-38).

5. No earlier than June 14, 2013, Defendant received a copy of the Summons and Complaint, which are the only process, pleadings or orders served on Defendant. The Summons and Complaint are attached hereto as Exhibits A and B.

6. This Notice of Removal is being filed with thirty (30) days after Defendant's receipt of a copy of the Complaint and is timely filed under 28 U.S.C. § 1446 (b).

7. Pursuant to 28 U.S.C. § 1446(d), Defendant has given written notice of the removal of this action to Plaintiff and is filing a copy of this Notice with the Circuit Court for Knox County, Tennessee. (Attached hereto as Exhibit C)

WHEREFORE, Defendant removes this action from State Court to this Court.

Submitted: July 12, 2013.

Respectfully submitted,

/s/ Wendy V. Miller
Wendy V. Miller, Esq. (BPR # 23500)
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CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2013, I served a copy of the foregoing Notice of Removal via U.S. Mail, postage prepaid, upon the following:

Russell L. Ellis, Esq.
David C. Gibbs, Jr., Esq.
Seth J. Kraus, Esq.
Gibbs & Associates Law Firm, LLC
5700 Gateway Blvd., Suite 400
Mason, OH 45040

/s/ Wendy V. Miller
Wendy V. Miller, Esq.

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